

Article G: Conditional Uses

Sec. 9-1-120 General Provisions.

(a) **Policy.**

- (1) One of the purposes of this Chapter is to divide the unincorporated portions of the County into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform.
- (2) There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems that use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land or public facilities, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.

(b) **Approvals Required.**

- (1) Any conditional uses listed in this Chapter shall be permitted only after receiving the appropriate Town Board approval and the County Zoning Committee's approval.
- (2) Any person, firm or corporation must make a request to the County Zoning Administrator for a Conditional Use Permit. The County Zoning Administrator shall promptly send the application to the appropriate Town Board Clerk with any or all data the applicant deems pertinent to the situation. The Town Board shall make a determination and send determination to either the County Zoning Administrator or the County Zoning Committee. The County Zoning Committee will then follow the procedures specified in this Article to consider the conditional use application.
- (3) In those cases where the appropriate Town Board and the County Zoning Committee disagree, a mediation board made up of three (3) members shall rule. The membership shall include a Town Board member, a County Zoning Committee member and any other person agreed upon by the Town Board and the County Zoning Committee.
- (4) Upon such approvals, issuance of a Conditional Use Permit will be granted.

- (c) **Basis of Approval.** The County Zoning Committee shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the County and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic and the relationship to existing or proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke, or odor and other factors.

Sec. 9-1-121 Conditional Use Procedures.

- (a) **Application.** Application for a Conditional Use Permit shall be made to the County Zoning Administrator who shall promptly refer the application to the County Zoning Committee. In addition to the information required under Article H for a Land Use Permit, the County Zoning Committee may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.
- (b) **Fees.** The fee for filing of applications for Conditional Use Permits shall be established by the County Zoning Committee. A copy of the current fee schedule shall be kept on file in the office of the County Zoning Administrator.
- (c) **Hearing.** The County Zoning Committee shall schedule a public hearing on the application within thirty (30) days after it is filed, and whenever the shorelands are involved a copy of the notice for a public hearing shall be sent to the Wisconsin Department of Natural Resources, appropriate area office, at least ten (10) days prior to the hearing.
- (d) **Determination.** The Zoning Committee shall report its decision within ninety (90) days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto. In those cases where shorelands are involved, a copy of the Zoning Committee's determination shall be sent to the Wisconsin Department of Natural Resources, appropriate area office, within ten (10) days of the decision.
- (e) **Mapping and Recording.** When a Conditional Use Permit is granted, an appropriate record shall be made of the land use and building permits, and such grant shall be applicable solely to the structures, use and property so described.
- (f) **Termination.** Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the Conditional Use Permit shall be terminated by action of the Zoning Committee.

Sec. 9-1-122 through Sec. 9-1-139 Reserved for Future Use.